IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.57571-M of 2006
Date of Decision:- 29.03.2007

Surender ....Petitioner(s)

through
Mrs.Sarla Chaudhary, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr. DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

In this petition under Section 482 Cr.P.C., the petitioner seeks a direction for his pre-mature release.

The petitioner was convicted for an offence under Sections 307, 392, 397, 323, 342 IPC and was directed to undergo rigorous imprisonment for four years.

It is averred that as on August 28, 2006, when the custody certificate (Annexure P-1) was issued, the petitioner had already undergone actual sentence of 3 years and 22 days. According to the petitioner, if the benefit of remission etc. is also added, he has already completed the entire period of sentence thereby making him entitled for release pre-maturely.

In their written statement, the respondents have admitted that the petitioner has earned 5 months 22 days' remissions. However, according to them, the petitioner has yet not completed the entire period of

sentence required to be undergone by him. The respondents have further taken a stand that the petitioner's probable date of release (subject to his good conduct) was 13.2.2007.

Needless to say that the aforesaid date has since expired; there is every likelihood that the petitioner has already been released. However, in case the respondents have still not released the petitioner, this petition is disposed of with a direction that his case for release on completion of the total period of sentence be considered forthwith and not later than 15 days from today and be disposed of in accordance with law.

March 29, 2007 **(SURYA KANT)**
poonam **JUDGE**